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OFFICE OF PETITIONS

In re Application of	:	
Vicente Teofilo Roldan	:	
Application No. 10/645,385	:	DECISION ON PETITION
Filed: August 21, 2003	:	37 CFR §1.8(b) and 1.137(b)
Attorney Docket No. 8082	:	

This is a decision on the petition, filed April 19, 2005, which is being treated as a petition under 37 CFR §1.8(b) requesting withdrawal of the holding of abandonment of the above-identified application. This is also a decision on the petition under 37 CFR §1.137(b), filed May 25, 2005.

The petition under 37 CFR §1.8(b) is **GRANTED**.

The petition under 37 CFR §1.137(b) is **DISMISSED as moot** in view of the granting of the petition under 37 CFR §1.8(b).

This application was held abandoned for failure to timely reply to the Notice of Missing Parts (Notice) mailed August 2, 2004. The Notice set a two (2) month period for reply, and extensions of time were available under 37 CFR §1.136(a). A Notice of Abandonment was mailed on April 7, 2005.

Applicant asserts that a timely reply to the Notice, in the form of a Corrected Drawing Sheet, was timely filed via facsimile on September 29, 2004. In support of this assertion, Applicant provides copies of the Facsimile confirmation, Drawing Sheet and Response, which includes a Certificate of Transmission dated September 29, 2004.

In view of the foregoing, the holding of abandonment is hereby withdrawn. No petition fee has been charged for the petition treated under 37 CFR §1.8(b) and none is due. Petitioner may request in writing refund of the \$750.00 petition fee filed with the petition dated May 25, 2005.

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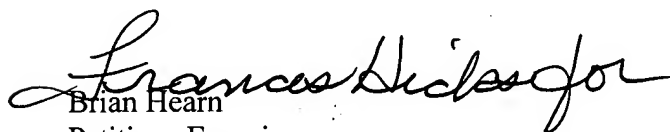
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Telephone inquiries concerning this decision should be directed to Angela Ortiz at (571) 272-6051, or in her absence, the undersigned at (571) 272-3217.

This matter is being referred to Office of Initial Patent Examination for further processing of the application.



Brian Hearn
Petitions Examiner
Office of Petitions